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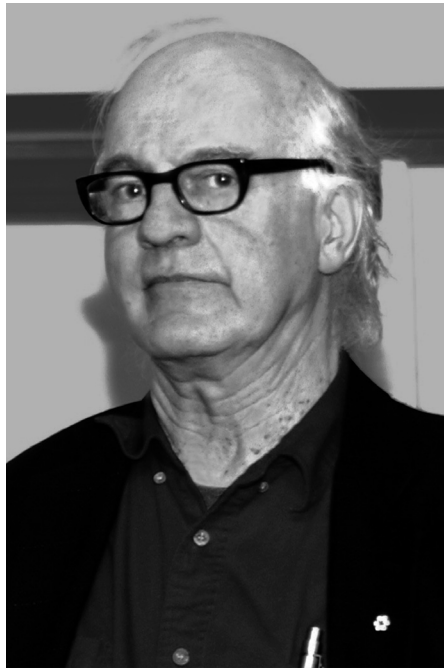
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Why Care About Liberty

Jan Narveson

Introduction

This is the Age of the Welfare State. All the talk is about providing “benefits,” especially to the poor, down-and-out, and discriminated-against. The general assumption is that there is something amiss if governments do not supply these benefits to those people. What this amounts to is a belief that the poor, the sick, and so on, are *entitled* to those benefits, and also that somehow governments are uniquely appropriate means of providing them with those benefits. Taxation, which is compulsory financial contribution, is the *modus operandi* for those provisions. This means that the people who provide them *must* provide them, are *compelled* to contribute toward those ends. That general idea is scarcely questioned either by practical politicians or by political philosophers these days.

In this paper, I especially want to take issue with the first claim. Suffice it to say that while I am here to make the case against the *moral* status of the Welfare State, I also think that the real-world, operational efficacy of the welfare state is also open to severe question. We would do better in fulfilling the general intentions of the welfare state if we did not have one. But that is a very large subject, in which much depends on the actual situation - which means getting into messy things like statistics. I will have to put aside detailed discussion of that point.

The welfare state at least appears to be very contrary to the intentions of the people who created the American republic. Their emphasis was on *liberty*, not on *provision*. People came to America to work and save and spend as they saw fit, and the business of the government was simply to enable this, by suitably punishing people who would invade the domains of others, as well as by providing some few administrative services, such as registering and surveying property and helping to adjudicate disputes about boundaries between one person’s property and the next. But providing for the public health, education, and welfare was not thought to be the responsibility of government.¹ A Liberty orientation, by contrast, calls for letting people, so nearly as possible, do what they please, with the essential proviso that they not, in the process, diminish the liberty of anyone else (including by injuring or killing them, e.g.). When the State provides “benefits” to some, it is *necessarily* and always at the expense of others, and that expense is involuntary to most of them. For government has no other source of income than what it takes from its people. (Democracy is often invoked here, often under the aegis of its being “self-government,” so

that in effect the claim is that we are all volunteering our support after all. But do we really think it's perfectly OK for Jones to be deprived of income and freedom just because 51% of his fellows feel like doing that to him for their own benefit?)

In this paper, I shall argue that the Liberty orientation - the one that animated the classic liberal philosophers such as Locke, Hume, and Kant — makes a lot more sense. As a theoretician on these matters, my case will be that there are excellent arguments for recognizing liberty as something we have a rational interest in supporting, to the point where violations of it may properly be met with compulsion; but that the same caliber of arguments on behalf of the welfare state are sorely lacking. All of this requires, of course, an explanation of what we should think *does* constitute a “good argument” in these matters, and we will begin with that important project.

Foundations

There has been protracted and intense discussion, and much disagreement, about the “foundations” of moral and political principles. Indeed, not a few philosophers today are of the view that we shouldn't bother talking about “foundations” at all.ⁱⁱ I must confess that this is a view for which I have no sympathy whatever, and I rather suspect that you will feel the same. I suppose that there is misunderstanding, and confusion, on that matter. All I mean by “foundations” is *good reasons* in the area in question, at the most fundamental levels. Those who profess to think that there are no fundamental levels or no good reasons need to be asked a number of questions, I think. Most important among them, perhaps, is this: if what constitutes a good reason for a moral principle is entirely up for grabs, then why should we think ourselves superior to, say, Nazis, religious fanatics, bomb-throwing nihilists, or the well-fed minions of Robert Mugabe, possibly the prince among the world's current crop of Kleptocrats? In fact, how can there be any sense to the notion that one set of judgments in the moral or political sphere is really any better than any others?

Of course, it's one thing to fling mud at one's ideological opponents, and another to provide the good arguments that one claims exist for one's position. So we now move to that - appreciating, of course, that in a single article, one can hardly be expected to make a complete and convincing exposition. But here's a start, anyway.

The first thing to point out is that these matters are, as Plato noticed so long ago, not just one more business, along with plumbing, banking, dentistry, and so on. The just person is not, as such, engaged in a specific profession. Just people can be, and we hope are, anywhere and everywhere, in any walk of life, in any domain - and also, of course, *unjust* people. What makes them just or unjust

is not their expertise at some profession or skill. It has to do with very general aspects of their relation to their fellow humans.

What is it, then, to have a moral or political principle, to do something for a moral or political reason rather than some other sort? There are two important features to be especially pointed out here. One is that directives of this kind are meant to set aside, or override, reasons of local self-interest. All of us have many interests — in sustaining ourselves or attaining to high incomes, in composing symphonies, in any number of things. But if what we propose to do is *wrong* — not in the sense of mistaken or inefficient, but in the sense of *morally* wrong — then the fact that we really wanted to do the thing in question simply doesn't cut it as a justifying reason for it. We shall have to back off, or find some other way to do it that won't have this problem. Or if we go ahead anyway, we will have earned the criticism, and the ire, perhaps even the determined resistance of our fellows.

Second, and closely related to the first, these principles are intended to be *public*, in two ways. One way is that in a matter of moral principle, the principle in question is understood to be *common property*, as it were, and part of common discourse. Of course people have personal moral beliefs; but what they believe when they have such beliefs is either literally strictly personal, or, more usually, it is that people *in general* are to behave in certain ways, to be subject to certain restrictions or requirements. "Personal ethics" or "personal moralities" are not the point here — they're your business. But morals in general are not yours in particular, but *everybody's*. Once you proclaim something as a moral or political principle, you are subject to rational disciplines and requirements that don't apply to strictly personal matters. In this domain, it is *not* true that "anything goes." A lot of things do not go, and there are excellent, storable reasons why they do not.

That brings us to the other way in which principles are public: that they have to be based on *general features of people so that they apply to us all*. No one of normal mental competence is excused from justice, for example. The sense that large groups of people — currently, women, people with dark skin, and assorted other groups who are objects of considerable attention by writers and activists — have been *left out* of the benefits of general morals and of justice in particular, is a paradigmatic one in our field. If the charge can be sustained, it has to be admitted to be relevant. Justice can't leave *anyone* out. The Nazi "ethical code" so plainly failed this requirement as to be laughable (if it weren't so terrible) — a moral code that says, "Here, everybody: trample on group X, just because they are group X" is absurd, a nonstarter.

Justifying Morals

Well, why? — we may reasonably ask. Why do we think that there are or should be principles of that general type, anyway? Too often, philosophers don't really ask that question. But they should, for if we don't have a decent answer, we are again in a very weak position against anyone who says otherwise. It is important that there be answers to that question, and also important that answers to it are, in fact, highly constrained. The available options are many fewer than some seem to think. To take a very important example, *religious* justifications of morals and politics are completely unsatisfactory at this level. For, obviously, not everyone shares any given religion, and those who do not would, of course, have to ask why *they* should be required to submit to the demands of some *other* doctrine that they simply do not believe? In the history of the subject, to be sure, every now and then some enthusiast proposes that he can "prove" the truth of his particular religion. Such persons are invariably ignored, laughed out of court, or occasionally taken seriously and refuted by people who care enough to bother. It is obvious that, at the public level, to talk of "proof" of such things is completely pointless. But the trouble that is caused by people taking their religions as the source of general morality is enormous, and evidently the lesson, that religions simply cannot be that source, is rather hard for many people to learn.ⁱⁱⁱ

Here we can up the ante a bit by invoking what I shall call *reality*. People differ, a lot. They have all sorts of interests and aspirations and personalities (and religions) and so on. But still, here they all *are*, living among each other. And their differences, pretty obviously, can get them into trouble. Jones wants this bit of land, and so does Smith, but they can't both have it. Maybe Robinson and MacDonald would share it - but Jones and Smith do not and will not. Now what? Now we need some kind of principle, one common to, and, as it were, standing above the particular interests of the two, to try to sort things out.

Of course, one possibility - much more than a mere possibility, for that matter - is that Smith and Jones will come to blows over it. Conceivably, one of them might win, and proceed to occupy the land, maimed in leg and arm though he may be. But the thought, among the rest of us and between the two of them - in a cool moment - that maybe that isn't a very rational way to settle things of that sort must soon occur to them. Fighting is *expensive*. Not just dangerous, though certainly that too: but also, it *takes time*, and meanwhile nobody is growing the crops, or building the house, or whatever might be done with the disputed plot. There must, we will be inclined to think, be a better way!

This "better way" has to have an important feature, if it's going to work: namely, that it has to be able to be seen, from *everybody's point of view*, as superior

to the alternatives. Of course everybody would like to have the principles of morals strongly slanted in favor of his or her own situation; but precisely because that's true of everybody, the principles in question cannot be slanted toward *anybody*. They have to be utterly impartial. So what it comes down to is this: which principles, designed to adjudicate everyone's general behavior, will be best for every person, given that every other person is also in on the deal?

This is the genesis of the general idea in social philosophy known as the "Social Contract." It has a long and very honorable history, starting with a character in Plato's Republic and running through such greats as Thomas Hobbes, John Locke, and Immanuel Kant in the 17th and 18th centuries, plus many more in contemporary times. Why are they all so enthusiastic about it? The answer is that when all are dealing with all, and all want to get the best outcome possible for themselves, the obvious way to get this is to try to find the principle that maximizes your returns and minimizes your costs. My reserving the right to kill you whenever I feel like it would have an unacceptable cost to you, so of course you veto it. By contrast, our all foregoing any such liberty, instead giving each and all a general right of security of person, makes eminent sense. If all live up to *that* principle, we'll all do far, far better than we would in a society that just permits people to kill whenever they like. And a society - like the Nazis, say - in which *some* people get to kill some other people whenever they like is obviously not acceptable to the people (such as Jews) who would become their victims under such "principles." Nor is it acceptable to any thinking person who can see that when such arbitrary exceptions are allowed, then the gates are open to excluding from protection groups of which he or she is a member. Who's next? - that will be the question. The only decent answer is that no one is to be "next": we are *all* to be entitled to the same fundamental status, of protection for our persons.

Can we generalize the Social Contract in a way that makes sense and provides any sort of concrete guidance? Yes, we can. In the preceding paragraph, I used the example of killing. But killing is a special, if horrible, case of something more general, namely *inflicting harm*. Whether it is possible to inflict even more harm on a person than death need not be settled here. What is pretty obvious is that, *other things being equal*, we don't want to *be* harmed by others. More generally, we don't want others to just determine how our own lives will go, leaving our own decision-making out of account.

Of course we often allow people to do things to us that aren't, looked at in themselves, very nice or very welcome: the boxers who voluntarily get into the ring together don't actually *enjoy* being pummeled, but in their case, they prefer running the risk of being pummeled by the other fellow - provided they get to pummel him as well - to not boxing at all. O.K. But what about those *outside* the ring? There the boxer, like everybody else, does better under a rule of general nonviolence: nobody is allowed to hit anybody, except in self-defense.

The Libertarian Principle

So far, what we have is a principle that has come to be known as the Libertarian Principle. What it says, in short, is that we each have a general right to the *nonaggression* of others: a right against *force and fraud*. (In my view, these aren't really two things, for fraud is a kind of force. But I will not attempt to argue the point here. Enough to say that what force and fraud have in common is this: the person committing the force or fraud leaves somebody *worse off* than if that person had never encountered the first party at all.) Albert, using either against Bob, makes Bob's life the worse for having engaged in that transaction with him. This is not something Bob is going to accept if he can help it. Nor is it something Albert will accept against *him* if he can help it.

Now, this does bring up a large problem: suppose he *can't* help it? If Al is a well-equipped gangster - or, maybe, a government - he may quite possibly *be* superior to Bob in this regard, and *can* "get away with it." To the extent that this is so, Bob has a problem. And he will reasonably make common cause with all of the other Bobs in the world (which is virtually all of us) to try to prevent the activities of people like Albert. In the end, we can hope that Albert will die in a hail of bullets, though so will some unfortunate people on the receiving end of Al's sawed-off shotgun. Not a way for rational people to choose to live. But what's to prevent it? The only answer is: as many of us as possible uniting to counteract such people, as far as we can. Which is very far, when you think of it. For in fact, the vast majority of us are collectively far stronger than any few of us. If we get our act together, we can deal with the Alberts of this world, and we fairly generally do. People are just not that unequal in this respect. The person who thinks he can overpower all the rest of us for very long is usually wrong. When he is not wrong, we have big trouble. But we can also see in advance that we will have such trouble, and so the general social agreement is not to side with such people, which is the point here. So far as principle goes, those who live by force do not *have* principles. Or rather: those who live by forcing others to live on their terms don't. Boxers in the ring, however, agree to a certain type of force being exerted, in strictly limited ways. It is quite possible to have mutually acceptable uses of interpersonal force. The proposal here is that the most rational general outlook on social life is to call for the confining of such use of force to those mutually acceptable uses, except insofar as force is necessary to counter or correct force exerted by those who violate that general outlook by refusing to exert that kind of self-control.

The Negative-Positive distinction

The sketch above proposes, as the General Right of All, *nonviolence*, or more generally, *nonaggression*, or still more generally, *not interacting with others to their*

overall disadvantage. This general right is what the philosophical world has come to call a “negative right.” Let’s explain this here.

All rights impose duties: they all tell the rest of us that there are certain things we *must* do or avoid, on pain of penalties imposed by others. Another way of putting this is that all rights impose costs: they require us to do things that we might not have wanted to do in various particular cases. Rationally, we will accept these duties provided that the rights in question are *worth their cost*. Negative rights are so called because of the character of the duties they impose on others. In the case of *negative* rights, the cost is “negative”: we are asked, essentially, *not* to do something, namely not to attack, or more generally harm, other people. But the benefit of accepting this restriction, provided everyone else also accepts it, is that we are free to do as we like, within that restriction. But that in general is a lot.

However, it is possible to define another possible kind of rights, called, of course, “positive” rights. Now, just as a negative right is so because it calls upon all others *not* to do something, that is, to *refrain* from various acts, so a positive right is so called because it calls upon others, in various circumstances, to *do* something. Inherently, a negative right may be observed by doing absolutely nothing. To use my favorite example: as we sleep we murder no one - not one of the six billion people on the earth is in any way molested by me as I sleep soundly, or as I loaf on my bench or sit in my office. I’ve discharged my negative duty to six billion people, and there was nothing to it! But if there are *positive* rights, that’s another matter. If you have a positive right against me to be kept alive insofar as I can keep you alive, then a great deal of my time and energy may have to be devoted to that task. And if I have that duty toward *everyone*, then obviously the potential for exhausting my resources altogether in the process is very great. Positive rights are potentially very *costly*.

Let’s now be more precise. ‘Jones has a *positive right* to do x’ means, ‘others are *required* to *supply* x to Jones if Jones is unable to do so himself, or with the *voluntary* assistance of others.’ That is to say: for someone to be eligible for the services of others in supplying something to him, it must be the case that he’s in tough shape, or somehow otherwise not capable of supplying it for himself. Thus, if Jones is starving to death, and he has this kind of a positive right to our help in not starving to death, then it would be the case that other people may be *compelled* to supply Jones with enough food to continue living.

Now, at first sight, positive rights can easily sound like a good thing. Are they? Of course they are good *for the beneficiary* on the occasions when he benefits from them. But what about those who *provide* those benefits? I pointed out that all rights have costs. The cost of negative rights is *forbearance* from doing the bad things that a negative right says are not to be done to us - usually, as I pointed out, very easy to do. The cost of positive rights is the cost of doing the good

things to others that we may be required to do if they can't do it themselves. How high is that cost? An interesting, and crucial, question, to be sure. Obviously it depends. If I am one of the people who is *not* "in tough shape or otherwise incapable" of supplying x to himself, then I am also one of the people who may be compelled to supply x to other people who can't - or at least it is *claimed* that they can't - supply it to themselves. How much this right costs *me* depends on two things, then: first, how high the "demand" for item x happens to be - that is, how *many* people I will have to help out and how much I'll have to help them, and second, how much I am forced to produce so that people will be able to actually get those benefits at my expense. To this, of course, we would have to add the costs of the particular type of force that is used. Most of us pay our taxes without fuss, indeed, without really noticing it until the day to fill out the forms comes along. But if we were to resist, we'd find out what the government can and is willing to do to us by way of compulsion. Jail and involuntary bankruptcy may await us. Needless to say, hardly anyone tries that, and so hardly anyone realizes that such options lie in wait for those who don't go along with Uncle. But they do, and that's a very large cost.

Priority of Negative Rights

We do have to notice one thing about this general situation: *whatever* positive rights cost, it's going to be *more* than what negative rights do, except in the special case in which you are one of those who can't provide anything to anyone else. In all others, though, since the negative right would impose *no* costs of that sort on you, any rights that impose *any* positive costs impose *a greater* cost on you. For, as you may have noticed, negative rights have a certain priority, in the sense that we cannot possibly have a positive right *without* a corresponding negative right. If I have a right that you feed me, I obviously must also have a right that you not snatch the food out of my mouth or burn down my fields, or whatever. So the cost of positive rights has to be over and above the cost of the corresponding negative right. Whatever it costs me to refrain from murder, that cost must be less than the cost of saving others' lives.

So we now can put the issue in quite general terms: would it be a good deal from absolutely *everybody's* point of view that they accept *positive rights* to various things for *everybody*? Or not? In thinking about this, we had better bear in mind the point that we are, as I say, talking about *everybody* - not just, say, fellow Canadians or Americans, for example. The probability that one of our fellow citizens in a modern wealthy state will genuinely "need" our help is pretty low. The probability that somebody else in the great wide world will need it, however, is, when you think about it, pretty high. Indeed, by contemporary standards, it's essentially 1.0, that is, *certain*. Consider that the standard income

of people in America or Canada claimed to be so “poor” that they are entitled to welfare benefits would amount to an upper-middle class or even an upper class income in most of the world. (To take one example: the average American “poor” family owns more housing, more air conditioning, more TVs, more refrigerators, and more cars than the average family overall in any other country in the world!^{iv} If Americans above the poverty line had to support *everyone in the world* at *that* level - well, they couldn’t do it, period. In the process of trying, of course, they would completely impoverish themselves.)

The National Factor

Well, you may say, so what? “Suppose my ‘social contract’ isn’t with everyone in the world - I admit that would be a losing proposition. But in relation to my fellow Americans, on the other hand, doesn’t it look pretty good?” Actually I question that, too. But meanwhile, the trouble is, there’s a fallacy here. We were talking about the general, uniform rule for *all*. Now it turns out that what’s being proposed is a *special* rule applying only to citizens of particular nations, in relation to *each other* (or perhaps even, only to Americans in relation to each other!) But what does a particular country do that entitles it to compel *its* citizens to help *each other* but *not* to help the rest of the world? Especially when the rest of the world is plainly a lot needier than citizens in the wealthiest nations?

Would the rational person, if he had his choice, accept compulsory help from fellow citizens but nobody else? What should the rational outsider say about *that*? (Nowadays, their representatives *do* say that it looks pretty bad - that the wealthy nations ought to ante up for the poor nations. Big surprise! But the fact that somebody is imploring us to do something hardly constitutes an argument - though it must be admitted that arguing seriously for these things seems quite out of fashion these days.)

If it doesn’t look plausible to suppose that we all owe everybody an enormous amount - or indeed, much of anything - then it should also look not very plausible to think that the fact that a whole lot of people are under the thumb of the same bunch of powerful people - the government - would make a fundamental difference. After all, we all agree nowadays that governments exist to serve their people, and not vice versa. The question here, then, is *whether* they serve them all well and fairly by continually compelling those who can to pay the bills for various services for the rest of them.

Property Rights and Fairness: Rawlsianism

I am here assuming something that should now be brought out into the open, to be sure: namely, that when people work and produce, they have a right

to their labor and to what they produce. Their right to their labor permits them to bestow it as they please - by helping your wife put up the new shades, for example, or by arranging with someone to work in specified ways for his firm in return for an agreed-on salary or wage. Some modern writers appear to question this. Especially, they are usually influenced by an argument made famous by John Rawls, late of Harvard ([1921-2002] – easily the most celebrated of recent political philosophers.) According to Rawls, our basic political principles are supposed to correct for the “morally arbitrary” effects of nature and accidents of birth. You couldn’t help being born in Slobovia, say, rather than on Park Avenue, and you couldn’t help being born with genes that endowed you with the potential for a brilliant career as a physicist or a concert pianist, or with genes that precluded any possibility of your doing any of those things. And so, they go on, morals is supposed to equalize us all: harness those who excel to the service of those who do not: “Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage.”^v Rawls also says that his principles amount to “an undertaking to regard the distribution of natural abilities as a collective asset so that the more fortunate are to benefit only in ways that help those who have lost out.”^{vi} – Well, why should we regard ourselves as *collective* assets? Each individual person has various assets - his or her abilities, intelligence, physique, and so on. That person, one would think, is uniquely situated to put those things to use, and is also equipped with various interests and aspirations which he will be disposed to use *his* assets to forward. But where is the motivation to regard himself as the *property* of the community?

Rawls’s rhetoric here is actually quite misleading, for he doesn’t actually go quite as far as would seem to be suggested by the preceding. When he says we are “to benefit only in ways that help those who have lost out,” notice that he doesn’t there say *how much* we are to help the so-called “losers.” A lot of variation is possible in specifying this, starting with an insistence on general equality, however defined. But Rawls instead proposes something that has come to be called the “maximin principle” or “difference principle,” as the general formula for social justice. Its most general formulation says this:

All social primary goods are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.^{vii}

He elsewhere says that this unequal distribution must be to the *maximum* advantage of the least favored. That sounds a lot more drastic, to be sure - but again, the appearance evaporates on closer examination. For if we ask what keeps us from going all the way to imposed equality, the answer is that imposing

that requirement would diminish output so seriously that we'd be poorer than before. Well, why would it? Because, frankly, the producers just won't produce under that kind of compulsion. They'll produce more *if they get more*. They need that kind of incentive to do so. That does in fact redound to the benefit of the many people with whom our more productive person exchanges, and does not harm the rest. This gets us back to where we started: with a general right of freedom.^{viii}

To put it another way: we want to know just what he has in mind by "advantage" to the less favored. Is it the case that each time I exert myself, I am to be sure that all others who are "less favored" benefit *as much as I do*? (And in the same way?!) Well, actually, no. Or at least, there is a huge indeterminacy: this "advantage" could be understood as ranging from *any benefit at all* to something like the *maximum possible* benefit. The latter would presumably make one a slave to society. But Rawls doesn't like that - happily. We are, he recognizes, free by nature. So how do a lot of *free* people function as benefactors to each other? An obvious answer, and the one that most nearly, I think, reflects the logic of Rawls's position, is that we benefit each other as free beings by *recognizing as legitimate* the freedom in question. This means, as I see it, that we are to grant each other a general right of freedom: that is, to confine our actions to ones that do not prevent others from doing as they see fit, with the same restriction on them. Now, this in plain words comes to this: that the general advantage to all consists essentially in *non-disadvantage*. Or, to put it in the terminology developed above, it consists in recognizing the *negative rights* of others. But that is very far from making them 'collective assets.' Indeed, a free person cannot be such an "asset," just like that. Insofar as our actions benefit each other, it is, first, by leaving each other in peace, and second, by entering into specific arrangements with specific other people, the result of which is that both we and they benefit from the arrangements. You can't invert these without totalitarianism. *First* we refrain from enslaving others; *then* we do our best for each other, if we are so minded.

The Charge of Selfishness

In the preceding exposition, I have proposed that moral principles are founded on the interests of each person. Each of us is to consider how he or she would do best under a given principle, on the condition that everyone else must also find it so. Am I not, then, turning morality into selfishness?

Since it is characteristic of selfish people to disregard the rights of others, and since the libertarian theory is essentially a theory supplying very strong rights to all, the charge is on the face of it puzzling. It has to be recast as a thesis that we do not require *enough* helpfulness, *enough* fellow feeling. But this we

also deny, because the libertarian's claim is that kindness and fellow feeling at the point of a gun is a fake - that the kind of thing libertarians "don't require" is a kind of thing that *cannot* be required without ceasing to be as described. Nonlibertarians deal in stolen goods. It is mislabeling to say that this is fellow feeling and mutual aid.

But the major complaint of those who object to my approach concerns the methodology of the social contract. As such, this popular complaint conceals an assumption that must now be brought out. What I appealed to is the *interests* of each of us. I did *not* confine those interests, however, to *self-interest*. For instead, we want to appeal to *whatever interests people do actually have*. All of us, to be sure, do have interests in ourselves, and we would not long survive if we did not - if, say, we had absolutely no concern about keeping ourselves reasonably well fed and warm enough to avoid hypothermia. But those are far from the only interests that most of us have. Most of us, for example, have a lot of affection for various other people - friends, family, coworkers, and so on. Most people have general sentiments of good will toward all, and these, I think, are often quite genuine. Thus our selection among possible social principles should include seeing to it that those principles allow us to manifest and benefit from those other-directed emotions. Indeed, that, as we will see, is one of the objections to the Welfare State - that it denies people the opportunity to do just that.^{ix}

Meanwhile, those who think that we should extend compulsorily supported benefits to *all* persons in a very sizable group, numbering many millions, need to ask themselves how it can be plausible to suppose that *nonvoluntary* arrangements will do more good than voluntary ones. With voluntary arrangements among specific people, and a commitment to refrain from harm to anyone outside the group of immediately affected people with whom we exchange, it looks as though we would achieve what is known as a "Pareto superior" arrangement: nobody is worse off, and all parties to the particular arrangement in question, at least, are better off. Why wouldn't this just *obviously* be better than an arrangement in which many or most are *compelled* to do this or that - to make various contributions, and conform to various rules, many of them onerous? It is, after all, certain that many who are compelled to pay would *not*, if they had any choice, choose to support that particular institution or program, at the cost of the taxes and other compelled contributions required.

And if we settle for less, saying, "Well, the benefits to the ones who benefit *outweigh* the costs to those who pay" then we have a very important question to address: "*outweigh*" according to *whom*? If administrator X *rules* that B is better off, even though B doesn't think so, how can we possibly prefer X's opinion to that of the very person whose well-being is in question?

Unfortunately, this last is an easy question to answer, taken in one obvious way: we can "possibly prefer it" if we don't really care about that person but do

care about our *own* values so much that we'll use them to decide the fate of other people, who don't share them, as well as of ourselves, whose values they are.

And why shouldn't we do that, you may ask? Indeed, how can we not do that? After all, we *are* ourselves - the values we live by and act on are necessarily ours, aren't they? It's a fair question, but it's actually two questions. The first asks why we should care about others and limit our own pursuits accordingly. The second asks how that can even be possible.

Let's answer the second one first. Of course we are always acting on our own values - but we can consider values we do not as yet have, and see reason to adopt them. We can modify our values in light of experience, and come out with something better. That is, in fact, what is being recommended here. But the first question is different. Why shouldn't we just become Thrasyarchus, and take justice to be "the interest of the stronger party"? - And, of course, assume that *we* are that strongest party. But, I think, to this all of the wars, revolutions, and innumerable other human conflicts provide a pretty good answer: When you don't allow that the other chap has a right to be who he is, it's not too surprising if he objects and fights back. And it's a question that was answered, very loudly in the negative, in the earlier understanding of American ideology - in favor of individual liberty. But no longer, it seems.

To take a very important current example: America, for years, has outlawed the taking of various "recreational" drugs, such as marijuana. The supposed justification of these outlawings is that these drugs are bad for the person who takes them - even though that person takes them voluntarily. It is true that the various supposedly bad consequences of these habits are greatly exaggerated by the authorities who administer this program. And of course the costs involved are absolutely enormous, as for example that American jails are crowded with hundreds of thousands of hapless marijuana users. But it's the root of the matter that I want to call attention to. How is it that the State gets to overrule the judgments of individuals *in their own cases*? America once prided itself on its freedom ("sweet land of liberty", as the song has it). The laws against drugs, and innumerable others, make a mockery of that commitment. This is not a land of liberty, but a land where the government is ready to control virtually every aspect of people's lives.

Why was liberty abandoned?

The question must arise - how did this happen? On the political front, it's pretty easy to say. In Europe, centuries of benevolent and not-so-benevolent despotism softened people up for accepting Rule from Above for practically everything. But why in America? The American Republic prospered mightily in

its first century or so, despite its terrible Civil War. But prosperity means that there is a lot out there for the taking by a rapacious public ready to vote for a free lunch, despite the general impossibility of that particular dispensation. America became more democratic as the years went by, with the electorate steadily increasing. The tendency of democracies to vote themselves welfare states when it seems that the means are there to finance them through taxes is well documented, if that's the right word - since it hardly needs "documentation," being virtually universal.

But what about the philosophical front? Here things are more complicated. The case for liberty, as I conceive it and as, I think, it has actually functioned for a few centuries, is straightforward, but of course it leaves little for "leaders" to do, since it is of the essence of liberty that people run their own lives rather than being essentially subject to enormous amounts of direction and control by others. But Big Government has been popular since Plato among intellectuals, who, after all, are natively inclined to think that they know better than *you* do what to do with *your* life. Intellectuals tend to be enthusiastic about democracy, to the point of accounting an equal share in political power one of the basic rights of mankind, and in fact classifying it as a "liberty" right. But unless the use of the vote is carefully constrained, it will be the right to take from the pockets of your fellows, without their being able to do anything about it unless they can somehow get a majority behind them. This is hardly a right to liberty: it is a right to help run other people's lives for them.

The "Veil of Ignorance"

But of course, no self-respecting intellectual will *say* that these days! So what is the argument? I have already mentioned John Rawls, whose popularity, I am sure, is in very considerable part due to the fact that he appears to supply respectable foundations for pretty heavy government control of everybody, despite his insistence that the first Principle of Justice is a principle of liberty. We saw in brief how it happened, but here's a somewhat fuller explanation. Rawls professes concern that the social contract as ordinarily understood, that is, by its classic exponents Hobbes and Locke, will be susceptible of unfair outputs due to the greater abilities of some and the vulnerabilities of others. And so he says that the "social contract" is to be negotiated (an odd word for it, considering) by people "behind a Veil of Ignorance," which is a condition in which the people thinking about this *don't know who they are*.^X So we have to reason on the basis of general human nature rather than our own interests — hypotheses, then, about the interests of everybody. He supposes that we all are interested in security first, and only later in liberty; but even then, as we saw, this is overlaid with an apparently strong bias against the productive and in

favor of the unproductive, who are to get as much as possible. It is a mistake to contrast security and liberty, though, for the right to liberty as such is a right to security in one's person and actions.

But there is a larger mistake. The classic social contract requires unanimity, giving everyone a veto, notionally speaking. The strong can't put anything over on the weak, because all the weak have to do is say "no!" So of course if the social contract is as I have depicted in the foregoing discussion, justice will have to be totally impartial. But in the Rawlsian format, it is easy for the individual to get lost, seeing that there are no individuals, strictly speaking, in on the deal, and no actual "dealing" for them to do. You can only make a deal, after all, when you are different, and have different interests, from the person you are dealing with, so that each attempts to promote interests that the other does not fully share. Thus instead of a genuine contract, in which we each give something in exchange for something better, Rawls has an abstract computation among the anonymous.^{xi}

Utilitarianism?

Other defenders of welfare, though, cut straight to the chase. In the utilitarian school, starting with Bentham and Mill (more or less), the fundamental idea is that a given "amount" of any person's utility is to *count the same* as a similar amount of anyone else's. This idea is thought, somehow, to be uniquely fair and rational, and also to have dramatic implications for moral and, especially, political policy. It is worth pointing out that the British Labor Party and its leftist ancestors talk utilitarian talk routinely.

Well, what's wrong with utilitarianism? Roughly speaking, everything. (I say this, by the way, as a former enthusiast for that theory.^{xii}) Philosophers, of course, have wrangled at huge length on the question of just what the theory actually implies. The difficulties of application are perhaps not as widely appreciated as they should be by now, but we might just take one (of many) that is directly relevant to the present discussion. Utilitarians tend to defend the equalization of people's incomes on the basis of something called "Diminishing Marginal Utility," a notion formulated by economists in the late 19th century and now stock in trade in that profession. Diminishing marginal utility means that the next unit of some good thing is not quite as good as the previous one. Take income, especially: One more dollar to a very poor person means a lot, while that same dollar added to the income of someone already earning a high income is virtually indiscernible. So, hey! Clearly we "get" more total utility overall if we take from the rich, to whom money means a lot less, and give it to the poor, where it'll do a lot more good — right?

Or will it? But then we have the little problem that what the poor do with

their dollars is to spend it on consumption goods, at which point it's gone; whereas the rich — bless their rapacious little souls — don't spend nearly as much on consumption but instead put most of their money toward investment. But investment produces rather than consuming: as the result of investment, we (all) *have* a lot more than we otherwise would. The modern world, generally speaking, testifies eloquently to this truth. Socialism is, generally speaking, a disaster, whereas pretty uninhibitedly free markets work wonders.^{xiii} (Witness the dramatic change in Communist China after it ceased, economically speaking, to be communist in all but name. In capitalist China, hundreds of millions of people are moving up rapidly toward middle class status, whereas under Mao Tse-dong, they got used to belt-tightening to the point of the world's worst-ever starvation, in which some thirty to thirty-five millions died.) So what does the supposedly diminishing marginal utility of money imply, given utilitarianism? Either it implies that egalitarian intervention in the economy is a terrible mistake, or else it's just a crap shoot. (In the pages of philosophy books and journals, the latter seems the appropriate analysis.)

The other problem with utilitarianism is much deeper, however, and is a problem shared by essentially all the other theories there are on this subject. It's that people in general simply don't *have any reason to accept* these theories. Egalitarianism appeals to the have-nots, but not to the haves. Roman Catholic values have little appeal for Buddhists and atheists. And so on. And as to intuitionism — well, one man's intuitive self-evident right is another's indifference, and then what? If a theory doesn't start with people as they are, and *find* a basis for agreement, then it also loses the attention of those people, who rightly feel that they've been left out.

What's been omitted is the need to find true and relevant premises from which their conclusions can be deduced. There's not much point in deducing conclusions from false premises, unless with a view to showing that they are false and lead to absurdities. And the false premises of most of these theories are premises that don't depict anything we are or have or want, but something the theorist thinks we *should* have or want. And what he thinks we should want is often enough something we don't want, and don't see why we should. Then what?

My point here is that truth in the moral and political arena has to be rooted in the way people *are*: in what they *want* and are prepared, and able, to do about it. My liking of chocolate is not due to my recognizing some "truth"; but it is a fact about me, and when we are in the business of formulating good rules for us all to adhere to, our basic interests, including our likes and dislikes, are the relevant truths from which we must proceed. If we ignore them, we lose our audience: we lose the allegiance of the people whose behavior we are interested in. The halls of academia, alas, are filled with intelligent people agreeing on

how the world should be run - but not consulting the people who would be governed by their ideas.

For another very influential example: you'll find many modern philosophers ready to tell us that we should attend to other people's *needs*, that indeed we may properly *coerce* everyone into helping out with that.^{xiv} (A variant is the claim that what's good for anyone must be good for everyone: if something's a good *for you*, then it must be something *I* am rationally required to respond to, just as such – with the further implication that we may proceed to legislate on that basis – more coercion, then.)

But why do we have to respond that way? The fact that somebody *needs* something is a very good reason for *that person* to do something about it, for sure. But social theory is talking about what *everybody* is to do, not just some particular person who needs something. And now the trouble is that your needs are *yours* - not *mine*. They do not, as such, impose any obligation on anybody else. Liberty, recognizing this, permits each of us to run our own lives, and to do as much good for others *as seems best to us* – *not* as much good as the rest of society compels us to, or as the needy would like.

Group solidarity is often appealed to.^{xv} But in what should the solidity of a group consist? We don't all share the same tastes, religions, or much of anything. Smaller groups, of course, do share many of those - but those smaller groups are immersed in a large world full of very different groups, and the problem is, on what basis are these different groups, like the different people in them, to get along? Not more group solidarity! But there is a good answer, and it's the libertarian one: we can relate to each other just fine by recognizing each others' right to exist, and not feeling free to inflict injuries on them just because they are different.

Most people are pretty nice. Almost all of us wish well for our fellows – but not to the point where we will simply throw over our own interests in order to promote their welfare. If we are to help, there has to be something in it for us. But not just “something” - rather, *enough* to induce us to do it. And that could range from virtually nothing - just the asking, plus a smile when we are done - to more than you can pay.

Meanwhile, however, neither of us will have felt entitled to rob the other, and that will make us *more* likely to be helpful when we think our help could do what we think to be good - to be a good worth achieving. So on the one hand, we may establish insurance companies, or become customers of some such, and on the other, we'll give to the charities of our choice, like the hundreds of thousands of Americans and Canadians who responded swiftly to the tsunami victims some years back.

Why should we think that this is better? In the end, it's because we are individual people and our lives really are our own, not somebody else's. Since

there is every reason to think that we would all also be a lot better off (or certainly a lot wealthier, at any rate) if we were allowed to run our own lives, the case for liberty looks very strong.

Having said all that, it must be agreed that modern philosophers and politicians seem to have had easy pickings in inducing people to believe that the world owes them a living. If you scratch this belief at all, the little question - “but, *why?*” - presents itself. The trick in getting people to accept that belief is - don’t ask! Just claim that it’s obvious.^{xvi}

Only — it’s not.

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Footnotes

ⁱ To be sure, the Preamble to the American Constitution famously includes, “to ... promote the general Welfare, and secure the Blessings of Liberty...” My case here, then, is disputable, although in fact, nothing of a welfare-state type was in sight for a century or so, whereas the “blessings of liberty” was from the first the primary concern of American government.

ⁱⁱ A list would be far too long to detail here. The idea was prominently associated with the late Richard Rorty (e.g., in his *Philosophy and Social Hope* (Penguin Books, 1999)), but he is just one among many.

ⁱⁱⁱ The suggestion that perhaps everything ultimately comes from some transcendental mind, meant purely as a metaphysical rather than a moral idea, is not being objected to here.

^{iv} See Robert Rector, “How “Poor” are America’s poor?” in Julian Simon, ed., *The State of Humanity* (Cambridge, Mass.: Blackwell, 1995), pp. 241-256.

^v John Rawls, *A Theory of Justice* (Harvard University Press, 1971), p. 136

^{vi} *Ibid.*, 179

^{vii} *Ibid.*, 303

^{viii} For a fuller exposition of my criticism of Rawls, see my “A Puzzle about Economic Equality in Rawls’ Theory” - originally in *Social Theory and Practice*, Vol. 4, No. 1, Fall 1976, pp. 1-28; republished in my *Respecting Persons in Theory and Practice* (Lanham, Md.: Rowman & Littlefield, 2002), ch. two, 13-34.

^{ix} For two substantial and empirically informed criticisms of the welfare state in practice, see the American author James L. Payne, *Overcoming Welfare* (NY: Basic Books, 1998), esp. ch. 7, “Can the Poor Survive Income Redistribution?”, pp. 85-100; and the British writer James Bartholomew, *The Welfare State We’re In* (London: Methuen, 2004)

^x *Rawls, Ibid.*, 136-141, and more generally, Part One (3-194)

^{xi} *Ibid.*, sect. 4 (17-22) makes this clear. My complaints about Rawls are further expounded in “Rawls and the Social Contract: Note Quite,” forthcoming in Sean Young, ed., *Reflections on Rawls* [UK: Ashgate, expected 2008]

^{xii} My first book was *Morality and Utility* (Johns Hopkins Press, 1967); it was intended both as an exposition and defense of the utilitarian theory.

^{xiii} The point is nicely set forth by David Schmidtz in “Diminishing Marginal Utility and Egalitarian Redistribution,” in Jan Narveson and Susan Dimock, eds., *Liberalism: New Essays on Liberal Themes* (Boston, Ma.: Kluwer Academic, 2000, pp.115-124

^{xiv} For example, David Braybrooke, *Meeting Needs* (Princeton U. P., 1987)

^{xv} See the article, “Communitarianism” in the *Stanford Encyclopedia of Philosophy* (web: <http://plato.stanford.edu/entries/communitarianism/>)

^{xvi} Although the author would deny it, I put Robert Goodin’s *Reasons for Welfare - the Political Theory of the Welfare State* (Princeton U.P., 1988) in essentially this category, despite the title. His is representative of a great many.